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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------|
| 10/509,229   | 09/24/2004  | Akira Kuramori       | OGW-0333                       | 1787             |
| 23353  | 7590        | 03/29/2006           |                                |                  |
| RADER FISHMAN & GRAUER PLLC<br>LION BUILDING<br>1233 20TH STREET N.W., SUITE 501<br>WASHINGTON, DC 20036 |             |                      | EXAMINER<br>BELLINGER, JASON R |                  |
|  |             |                      | ART UNIT<br>3617               | PAPER NUMBER     |

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                                 |  |
|------------------------------|--------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/509,229  | Applicant(s)<br>KURAMORI ET AL. |  |
|                              | Examiner<br>Jason R. Bellinger | Art Unit<br>3617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Claim Objections***

1. Claims 7-9 are objected to because of the following informalities: The term "including" should be replaced with the term --includes-- in line 2 of claim 7.

The phrase "one fourth or more of" should be replaced with the phrase --one quarter or more from-- in line 4 of claim 7, and line 7 of claims 8-9.

The period (.) should be removed following the term "apical" in line 5 of claim 8.

These corrections are for grammatical clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite due to the fact that it is unclear how the annular shell can include a support surface that is "formed radially outwardly of the annular shell" or two leg portions "formed radially inwardly of the annular shell". It is unclear how the annular shell can include portions that are located radially inwardly or outwardly of itself.

Claim 2 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "thereto" in line 4.

Claim 4 is indefinite due to the fact that it is unclear how the run-flat support member can include a support surface that has two edges "formed radially outwardly of

the run-flat support member". It is unclear how the run-flat support member can include portions that are located radially outwardly of itself.

Claim 5 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "thereto" in line 4.

Claim 7 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "thereof" in line 5.

Claim 8 is indefinite due to the fact that it is unclear what elements of the invention is being referred to by the terms "thereto" and "thereof" in lines 4, 6, and 9.

Claim 9 is indefinite due to the fact that it is unclear what elements of the invention is being referred to by the terms "thereto" and "thereof" in lines 4, 6, and 8.

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glinz et al (JP 10-297226) in view of Hammond et al. As best understood, Figure 3 of Glinz et al shows a wheel assembly including a wheel with a rim 23 and a pneumatic tire 9 with a tread surface and a hollow space mounted on the rim 23. A run-flat support member 20 is disposed in the hollow space, and includes an annular shell 2 and elastic rings (21-22). The annular shell 2 includes a support surface "formed radially outward", and includes a convexly curved surface portion (5-6) with an annular apical line or face. A

pair of leg portions are "formed radially inward", with the elastic rings (21-22) supporting the leg portions on the rim 23.

Glinz et al does not show the tread surface including one or more circumferential grooves extending in the circumferential direction of the tire. In Figure 4, Hammond et al teaches the use of a tire 10 having a tread surface with circumferential grooves (13, 90) that extend in the circumferential direction of the tire 10. While Hammond et al does not show 4 circumferential grooves located on the outer surface of the tire, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide as many grooves as needed to increase the traction capabilities of the tire, dependent upon the purpose of the tire. Therefore from these teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tread surface of Glinz et al with circumferential grooves for the purpose of increasing the traction capabilities of the tire, which would increase the handling and control of a vehicle.

The apical line or face of the convexly curved surfaces (5-6) of Glinz et al is offset axially with respect to the center axis of rotation of the wheel, so that the apical line or face would not located in a position that radially corresponds to the circumferential groove 13 of Hammond et al (since area 37 of the tire of Hammond et al would extend into the concave portion 8 of the run-flat support of Glinz et al). This would prevent the tire from lateral shifting when running in an under-inflated condition, thus preventing the tire from possibly becoming unmounted from the wheel rim during run-flat operation.

While Glinz et al as modified by Hammond et al does not specify that the apical line or face of the run-flat support be located one-quarter to one-half (aka the center) between the circumferential grooves (13, 90), one of ordinary skill in the art would find it obvious to form the apical line or face of the run-flat support of Glinz et al to engage the portion of the tire tread between the circumferential grooves of the tire of Hammond et al for the purpose of providing positive support on the load-bearing tread surfaces of the tire, thus retaining the traction capabilities of the tire during a run-flat situation, and reducing damage to the tire, wheel, or vehicle.

### ***Response to Arguments***

6. Applicant's arguments filed 13 January 2006 have been fully considered but they are not persuasive.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the run-flat device of Glintz et al with the tire configuration of Hammon et al for the reasons set forth in paragraph 5 above.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

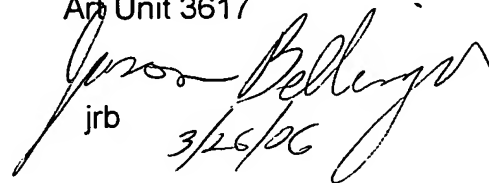
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger  
Examiner  
Art Unit 3617

  
jrb 3/26/06